

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 3, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-17716 - APPLICANT/OWNER: LYLE LOOB**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. Conformance to the conditions for Rezoning (Z-0002-76), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Conformance to revised site plan dated 12/6/06.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

## \*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

This petition is for a Special Use Permit for the construction of a 650 square-foot habitable accessory structure at 3613 Hillsdale Street. The proposed 650 square-foot habitable accessory structure is located on an 8,892 square-foot cul-de-sac in the northeast (rear) portion of the property. The footprint for the existing home is approximately 1,666 square feet and the rear yard is approximately 1,400 square feet. This makes the size of the proposed habitable accessory structure less than 50% of the principal dwelling and covers less than 50% of the rear yard.

### BACKGROUND INFORMATION

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
3/3/76	The City Council approved a request for Rezoning (Z-0002-76) from R-E to R-1.
12/07/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #33/mh).
<i><b>Related Building Permits/Business Licenses</b></i>	
NA	NA
<i><b>Pre-Application Meeting</b></i>	
10/06/06	The applicant was informed of the conditions necessary for approval of a habitable accessory structure and the requirements for the submittal of a Special Use Permit
<i><b>Neighborhood Meeting</b></i>	
NA	A neighborhood meeting was not required nor was one held.

<i><b>Details of Application Request</b></i>	
<i><b>Site Area</b></i>	
Net Acres	0.2 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District	Y		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

### **A-O Airport Overlay District**

3616 Hillside Court is located in the Airport Overlay District. There is an existing height restriction in place limiting structures to 105 feet. As the proposed structure is 14-feet tall, there is no impact on this proposal with the overlay district.

## **DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08 the following standards apply.*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 sq. ft.	8,892 sq. ft	Y
Min. Lot Width	65 feet	37 feet*	Y
Min. Setbacks			
• Front	N/A	N/A	N/A
• Side	3 feet	3 feet**	N
• Corner	N/A	N/A	N/A
• Rear	3 feet	3 feet**	Y
Min. Distance Between Buildings	6 feet	6 feet	Y
Max. Lot Coverage	50%	20%	Y
Max. Building Height	2 stories or 35 feet		Y

\*Per 19.08.040 Residential District Development Standards the minimum lot width located along the circular portion of a cul-de-sac may be reduced to a minimum of 30 feet in width at the front property line, provided that the average lot width meets the required width.

\*\* The building setback is measured from the edge of building. In the plans provided, the setbacks have been taken from the face of building and do not account for the distance of the roof eaves. This application has been condition to require revised plans showing the required three-foot separation distance between the nearest portion of the habitable accessory structure and the property line.

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family Dwelling	1 unit	2 spaces	2	NA	3	NA	Y
Habitable Accessory Structure	650 sq ft	1 space	1	NA		NA	Y
TOTAL		3 spaces	3		3		Y

## ANALYSIS

The proposed additional habitable accessory structure located at 3616 Hillsdale Court meets all minimum conditions listed below. The proposed floor plans show a two-bedroom 650 square-foot (approximate) triangular guest house. The applicant intends to house his mother in the proposed structure. The irregular-shaped lot provides adequate rear yard space to meet exceed the proposed structure by 50%. This determination was calculated per the definition of the Rear Yard Setback line and then including all space from the rear plane of the primary structure not including the patio or the proposed structure. The submitted floor plans show a 650 square-foot triangular-shaped guest house that fits nicely with the difficult shaped lot. The applicant has made good effort in complying with minimum standards for a habitable accessory structure.

As the proposed addition is within the minimum standards for a Habitable Accessory Structure, staff recommends approval. The following conditions apply to all habitable accessory structure.

- Conditions
  1. The size of the lot or parcel must exceed 6,500 square feet.
  2. Habitable accessory structure may not be offered or occupied as a rental unit unless the principal dwelling is owner-occupied.
  3. A habitable accessory structure may contain one kitchen, but otherwise must comply with all provisions of Section 19.08.040 applicable to accessory structures.
  4. A minimum of one additional on-site parking space must be provided beyond the number of spaces normally required.

## **FINDINGS**

The following findings must be made for a Special Use Permit:

1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”
2. “The subject site is physically suitable for the type and intensity of land use proposed.”
3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”
4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”
5. The use meets all of the applicable conditions per Title 19.04.

### **In regard to “1”:**

The proposed use is compatible with surrounding land uses and should not adversely impact the area.

### **In regard to “2”:**

The lot for the proposed habitable accessory structure is sufficient to accommodate this use and all code requirements for this type of structure are consistent with code requirements.

### **In regard to “3”:**

The street network will not be impacted by this use, as it is accessory to the primary use on this site.

### **In regard to “4”:**

The proposed accessory structure as shown does not meet all code requirements for setbacks and building separations. The three-foot setback from side and rear property lines are taken from the edge of building. The plans show the setbacks being taken from the face-of-building which is incorrect.

### **In regard to “5”:**

The applicant will need to submit revised plans demonstrating that adequate three-foot setbacks have been provided from the eaves of the habitable structure to comply with Title 19.08.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 4

**NOTICES MAILED** 314 by City Clerk

**APPROVALS** 1

**PROTESTS** 0